

Comments regarding
Dietary Guidelines for Americans

Submitted to the
Dietary Guidelines Advisory Committee,
U.S. Department of Health and Human Services, and
U.S. Department of Agriculture

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The Center for Science in the Public Interest (CSPI) respectfully submits to the Dietary Guidelines Advisory Committee (DGAC), the U.S. Department of Health and Human Services (DHHS), and the U.S. Department of Agriculture (USDA) recommendations regarding the bulletin *Nutrition and Health: Dietary Guidelines for Americans*.

CSPI is a non-profit consumer education and advocacy organization that since 1971 has been working to improve the public's health through better nutrition and safer food. CSPI's work is supported primarily by its 800,000 members and subscribers to its *Nutrition Action Healthletter*, the nation's largest circulation health newsletter. CSPI does not accept any government or corporate funding.

CSPI's work was instrumental in passage of the Nutrition Labeling and Education Act of 1990 and the Alcoholic Beverage Labeling Act of 1988. Other initiatives include studies of the nutritional quality of restaurant foods, advocating trans fat labeling on packaged foods, and campaigns to promote low-fat milk consumption, improve school foods, stop misleading food and alcohol advertising, enforce food safety laws, and improve alcoholic-beverage labeling.

Enclosed are eight sets of comments regarding the following guidelines:

- Nutrient Adequacy
- Sodium
- Fibers
- Whole Grains
- Added Sugars
- Energy Balance
- Fatty Acids
- Restaurant Foods
- Food Dyes and Behavior
- Ethanol

Our comments are summarized in the oral testimony which will be presented to the committee on January 29, 2009, which is enclosed.

For more information or questions regarding these comments please contact Alexandra Lewin, Ph.D. at 202.777.8351 or alewin@cspinet.org.

Comments by the Center for Science in the Public Interest on Food Dyes and Behavior

The DGA has not previously commented on the safety of food dyes, especially in the context of healthy children's diets, but it is an issue that now merits discussion. The bulk of scientific research published over the past 30 years has found that dyes adversely affect the behavior of some children. Most of the studies used a mixture of dyes and involved children with ADHD or other behavioral problems. A 2004 meta-analysis of those studies concluded that dyes have a significant adverse effect.¹²⁶ Since that meta-analysis was published, the British government commissioned two studies that involved several hundred children who represented a cross-section of children, rather than children with behavioral problems. Both studies found that dyes adversely affected the children.¹²⁷ In 2008, the Center for Science in the Public Interest petitioned the FDA to ban most food dyes.¹²⁸ (As of December 1, 2008, the FDA had not responded substantively.)

As a result of those studies, in 2007 the British Food Standards Agency (FSA) advised parents: "If a child shows signs of hyperactivity or Attention Deficit Hyperactivity Disorder (ADHD) then eliminating the colours used in the Southampton study from their diet might have some beneficial effects."¹²⁹ The FSA urged food manufacturers to stop using the colorings studied, and some of Britain's biggest supermarket chains—Tesco, Sainsbury's, ASDA, Marks & Spencer, and the Co-op—pledged to drop the dyes from their house-brand products.¹³⁰ When few manufacturers responded promptly, the chair of the FSA board said, "The board expresses its astonishment that industry has not moved more quickly to remove these artificial colors from their products, in the light of serious concerns raised by consumers."¹³¹ Currently, several multinational companies, including McDonald's, Mars, Frito-Lay, Coca-Cola, and Kellogg, use safe natural colorings in some or all of their foods in the UK, but synthetic dyes in the United States.

In July 2008, the European Parliament passed a law that will require a warning label on foods containing any of the six major dyes (several of which are permitted in the United States) used in the two British studies. The notice states that color additives "may have an adverse effect on activity and attention in children."¹³² That law will likely take effect in late 2010. In November 2008, the FSA strengthened its advice to companies by asking them to eliminate dyes by the end of 2009.¹³³

It is important to note that dyes do not serve any health function, such as providing nutritional value or making foods safer. They are used mostly in candies, sugary breakfast cereals, inexpensive frozen desserts, snack foods, gelatin desserts, and other foods widely consumed by children. Also, safe natural colorings are available for almost any use (and products for which no substitutes are available are unlikely to be essential to the food supply). In light of that, we urge the DGAC to review the literature (summarized in CSPI's 2008 petition) and conclude that dyes have not been demonstrated to be safe.¹³⁴ Companies should be advised to switch to safer colorings, and consumers, especially children, should be advised to avoid foods with dyes.

If the committee would like to hear from a physician familiar with this issue, we recommend Dr. David Schab, a psychiatrist at Columbia University Medical Center, who conducted the 2004 meta-analysis with his colleague Dr. Nhi-Ha T. Trinh. Another possibility would be to invite representatives from the FSA to explain they are seeking to eliminate six dyes from children's diets.

Comments by the Center for Science in the Public Interest on the Consumption of Alcoholic Beverages

In CSPI's view, the current (2005) version of the Dietary Guidelines needs little revision to bring it up to date with recent scientific findings on the role of alcoholic beverages in the diet. Essentially, the current Guidelines provide the appropriate balance of information about: the potential risks of excessive consumption; who should avoid alcohol; the potential cardiovascular benefits of moderate drinking for a limited class of consumers; and advice on moderate or low-risk drinking.

CSPI has found no changes in the scientific literature that suggest relaxing the clear message in the Guidelines that drinking alcohol imposes numerous risks on the user, as well as on society at large. Current research in the alcohol field offers no reason to permit new language providing any encouragement for consumers to "drink for their health."

Some elements of the Guidelines could be improved to provide more information and better guidance for consumers. Those include: (1) drinking by children and adolescents, (2) drinking among older adults and the elderly, and (3) the Guidelines' definitions of the alcohol and calorie content of standard drinks.

I. Children and Adolescents

The current Guidelines provide a key recommendation that alcohol should be avoided by some individuals, including children and adolescents. Despite substantial and growing evidence that supports such advice, the recommendation is made without any elaboration or information that might be helpful to parents who are constantly confronted with decisions and questions about whether their teenage children should consume alcoholic beverages or not. In particular, the current broadening discussion surrounding the legitimacy of the minimum legal drinking age of 21 would benefit from Dietary Guidelines that addressed the issue more directly and comprehensively.

We refer the Committee to the thorough summary of the consequences of underage drinking that is found in the September 2003 report of the National Research Council of the Institute of Medicine, *"Reducing Underage Drinking, A Collective Responsibility."* (pages 60 – 66). That discussion notes numerous risks associated with underage drinking: Youth who start drinking at an early age are more likely to suffer a variety of problems related to alcohol. Studies by Hingson and Kenkel "reveal that youth who

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